

84-221-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.1 (303.2) - to permit a front yard setback of 6 ft. instead of the required average setback of 44 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached Brief

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: NONE
(Type or Print Name)
Signature: *Michael Lasky*
Address: *23 Walker Avenue*
City and State: *Baltimore, Maryland*

Legal Owner(s): *Michael Lasky*
(Type or Print Name)
Signature: *Michael Lasky*
(Type or Print Name)
Signature: *Jeffrey P. McEvoy*

Attorney for Petitioner: *Jeffrey P. McEvoy*
(Type or Print Name)
Signature: *Jeffrey P. McEvoy*
Address: *36 South Charles St - Ste 600*
City and State: *Baltimore, MD 21201*

Address: *23 Walker Avenue*
Phone No.: *653-3636*
City and State: *Baltimore, Maryland*
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: *Jeffrey P. McEvoy*
36 S. Charles St. - Ste. 600
Baltimore, MD 21201
(301) 332-8543

Attorney's Telephone No.: *(301) 332-8543*

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day

of January 1, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 5th day of March, 1984, at 10:45 o'clock

Carl John
Zoning Commissioner of Baltimore County.

(over)

IN THE MATTER OF
23 - 25 WALKER AVENUE
MICHAEL LASKY,
Petitioner
* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Docket No.:

BRIEF TO ACCOMPANY PETITION FOR VARIANCE

For the reasons stated below, the Petitioner should be granted a variance from Baltimore County Zoning Regulation 222.1 to permit a front setback of 6 feet instead of the required 10 feet from the property line and 31 feet from the center line of Walker Avenue instead of the required 40 feet. The setback variance will permit an existing structure to be used as a gatehouse at the entrance to the parking lot of the subject property ("Property").

FACTS

1. The Property is a 0.49 acre parcel improved by a three floor office building, 55 space macadam parking lot and gatehouse at the entrance to the parking lot. (See Site Plan submitted with this Petition.) Michael Lasky ("Petitioner"), the owner of the Property, acquired the Property in June, 1980.
2. Zoning Regulations require 39 parking spaces to be provided on the Property Site. The Property currently has 55 parking spaces, 12 of which are "overflow spaces" which require vehicles to be parked two deep at the sides of the building.
3. The tenants of the building, tenant employees, customers and visitors to the building use the lot in lieu of local street parking and regularly fill the 55 spaces to capacity. Consequently, Petitioner has found it necessary to employ an attendant to move vehicles in and out of the overflow spaces.

4. As an inducement to lease space in the office building, the Petitioner has represented to tenants that off street parking would be available to tenants, including the overflow spaces requiring an attendant.
5. The gatehouse situated at the parking lot entrance is used by the parking attendant to monitor the traffic in and out of the lot and as shelter from the elements during bad weather. The central location of the attendant in the gatehouse also enhances the security of the lot.
6. The gatehouse is a 4 x 6 wood frame structure built on a concrete slab and is served by utility lines.
7. Relocation of the gatehouse by nine feet to the rear of the Property to comply with the setback regulations would involve considerable expense for demolition and rebuilding of the structure and relocation of utility lines, with all the attendant architectural, permit and administrative expenses. Such a relocation would also obstruct use of at least four conventional parking spaces and six overflow parking spaces.

ARGUMENT

1. If the Petitioner is required to demolish or relocate the gatehouse, a considerable hardship and practical difficulty will be imposed.
2. Petitioner will be forced to violate agreements with tenants of the Property which require the Petitioner to make parking available to employees, customers and visitors.
3. Petitioner will incur significant expense in demolishing or relocating gatehouse.
4. Street parking in central Pikesville is now very scarce. If Petitioner reduces existing off street parking at the Property Site, parking will overflow to Walker Avenue and other nearby side streets. The parking problems of central Pikesville will be increased, with a detrimental effect on both building tenants and the general public.

WHEREFORE, your Petitioner asks the Zoning Commissioner of Baltimore County to allow the gatehouse to remain at its present position as shown on the Site Plan.

Jeffrey P. McEvoy
JEFFREY P. MCEVOY
MELNICOVE, KAUFMAN, WEINER
& SMOUSE, P.A.
36 South Charles Street
Suite 600
Baltimore, Maryland 21201
(301) 332-8543
Attorney for Petitioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

600
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Jeffrey P. McEvoy, Esquire
36 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 143 - Case No. 84-221-A
Petitioner - Michael Lasky
Variance Petition

Dear Mr. McEvoy:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to legalize the front setback of the existing structure, located at the entrance to the subject property, this hearing is required.

At the time of this writing, all comments that had been submitted by various members of the Committee had nothing informative to offer about your client's proposal. For this reason, they were not forwarded to you, but have been placed in the hearing file. In particular the Department of Traffic Engineering had no comment, but Mr. Ogle of the Current Planning Office verbally stated that he would rather see the structure moved either east or west out of the entrance. If you have any questions concerning this comment, you may contact Mr. Ogle at 494-3335.

This hearing was accepted on the date of the enclosed certificate and a hearing date scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: D.S. Thaler & Associates, Inc.
11 Warren Road
Baltimore, Maryland 21208



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

February 1, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #143 (1983-1984)
Property Owner: Michael Lasky
S/ES Walker Avenue 659' N/E Reisterstown Road
Acres: 0.49 District: 3rd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist in regard to this property and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 143 (1983-1984).

Very truly yours,

Robert A. Merton
ROBERT A. MERTON, P.E., Chief
Bureau of Public Services

RAM:ENM:FR:SS

P-SE Key Sheet
29 NW 20 & 21 Pos. Sheets
NW 8 E & F Topo
78 Tax Map



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 143, 144, 145, 146, 147, and 149 Meeting of December 20, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 143, 144, 145, 146, 147, and 149.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

PETITION FOR VARIANCE

3rd Election District

ZONING: Petition for Variance
 LOCATION: Southeast side Walker Avenue, 659 ft. Northeast of Reisterstown Road (23-25 Walker Avenue)
 DATE & TIME: Monday, March 5, 1984 at 10:45 A.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a front yard setback of 6 ft. instead of the required average setback of 44 ft.

Being the property of Michael Lasky, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

February 7, 1984

Jeffrey P. McEvoy, Esquire
 Meincove, Kaufman, Weiner & Smouse
 36 South Charles Street
 Baltimore, Maryland 21201-3060

NOTICE OF HEARING

Re: Petition for Variance
 SE/S Walker Ave., 659' NE of Reisterstown Rd. (23-25 Walker Avenue)
 Michael Lasky - Petitioner
 Case No. 84-221-A

TIME: 10:45 A.M.

DATE: Monday, March 5, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 122997

DATE: 12-5-83 ACCOUNT: R-01-615-000
 AMOUNT: 1.00

RECEIVED FROM: [Signature]
 FOR: [Signature]

0 115*****10L0010 2062A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

February 28, 1984

Jeffrey P. McEvoy, Esquire
 36 South Charles Street
 Baltimore, Maryland 21201-3060

Re: Petition for Variance
 SE/S Walker Ave., 659' NE of Reisterstown Rd. (23-25 Walker Avenue)
 Michael Lasky - Petitioner
 Case No. 84-221-A

Dear Mr. McEvoy:

This is to advise you that \$49.32 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
 ARNOLD JABLON
 Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 130262

DATE: 4/30/84 ACCOUNT: R-01-615-000
 AMOUNT: \$49.32

RECEIVED FROM: Mike Lasky
 FOR: Advertising & Posting Case #84-221-A

0 131*****422210 6011A

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION FOR VARIANCE
 SE/S of Walker Avenue, 659'
 NE of Reisterstown Road
 (23-25 Walker Avenue) - 3rd
 Election District
 Michael Lasky,
 Petitioner
 BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 84-221-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of six feet instead of the required average setback of 44 feet. The purpose of the request is to permit the continued operation of a gatehouse at the entrance to a parking lot, as more fully described on Petitioner's Exhibit A.

The Petitioner appeared and testified and was represented by Counsel. Also testifying for the Petitioner was David Thaler, a registered professional engineer. Robert Hoffman, an attorney, appeared on behalf of neighbors concerned with the potential use of the gatehouse.

Testimony indicated that the Petitioner acquired the instant site, zoned B-1, in 1950. The site contains a three-story office building and is located in the central Pikesville business area, which has only limited on-street and off-street public parking available. Because of this, people began to utilize the parking lot serving the office building, thereby causing extreme consternation amongst the tenants who found their parking spaces consumed by the hordes of people flocking to beautiful downtown Pikesville. The Petitioner found himself being confronted by angry tenants who threatened to leave unless the parking problem was resolved to their satisfaction. The unauthorized parking had to stop. The best way to accomplish this task would be to employ Attila the Hun. The next best way would be to build a gatehouse from which a disciple of Attila could be stationed to wave off the populace causing the problem. Ergo, the

ORDER RECEIVED FOR FILING
 DATE: March 9, 1984
 BY: [Signature]

gatehouse was constructed and the disciple installed. Magically, the slings and arrows of outraged tenants were no longer necessary. The hordes had been driven from the civilized world. However, the gatehouse had been built without regard to setback requirements. It has been permanently installed, and the cost to relocate it would be prohibitive. Any relocation would also dissipate the intent of the gatehouse. Its purpose is to control traffic, and to do so, the gatehouse needs to be where it is. If moved to either side, parking areas would be disrupted, and if moved straight back, it would no longer be functional. The only reason to move it would be to meet the setback requirements.

Mr. Thaler testified that the gatehouse does not in any way create a traffic problem and is not an obstruction to the flow of traffic to and from the site. It allows for access to bona fide tenants and visitors at its present location. The attendant is also necessary to control the parking of cars in the overflow spaces provided which requires instant movement. The attendant moves these vehicles when necessary, while the other parking spaces allow park and lock situations.

The Petitioner seeks relief from Section 232.1 (303.2), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. (McLean v. Soley, 270 Md. 208 (1973)). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of March, 1984, that the Petition for Variance to permit a front yard setback of six feet instead of the required average setback of 44 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The gatehouse shall be constructed in accordance with Petitioner's Exhibit 6 and shall not be utilized for any purpose other than that described herein.

ORDER RECEIVED FOR FILING
 DATE: March 9, 1984
 BY: [Signature]

3. The gatehouse shall be operated by a parking attendant only, and there shall be no fee charged to those using the parking lot.

[Signature]
 Zoning Commissioner of
 Baltimore County

ORDER RECEIVED FOR FILING
 DATE: March 9, 1984
 BY: [Signature]

October 6, 1983

Mr. Michael Lasky
 25 Walker Avenue
 Pikesville, Maryland 21208

RE: B-82-293-3
 Gate House
 23 Walker Avenue

Dear Mr. Lasky:

On November 25, 1982, you were informed by Dominic Grecco that the temporary permit for your gate house had expired and the gate house must be removed. I did receive correspondence from your attorney, Mr. Pittler, who assured me that the required zoning special exception petition would be filed, so that a permanent permit could be issued for the gate house.

I have reviewed the matter with the Office of Zoning and they have informed me that no petition has been filed as of October 3, 1983. I believe that more than an adequate amount of time has elapsed to resolve this matter. You are hereby informed that I will refer the matter to the District Court on or about October 28, 1983. Failure to remove the building does constitute a misdemeanor and the potential fines are \$1,000.00 per day and a year in jail, for each and every day the violation continues. If you have any questions concerning this matter, please call me at 494-3373.

Very truly yours,

Joseph M. Nolan
 Assistant Buildings Engineer

JMN:mhb
 CC:
 Mr. Pittler, 28 Allegheny Ave., 21204

OWNER'S NAME: MIKE LASKY
 BUILDING ADDRESS: 25 WALKER AVENUE, PIKESVILLE, MD. 21204
 PERMIT NO.: 8-5-81
 DATE ISSUED: 12/10/83
 EXPIRATION DATE: 12/10/84

CONTRACTOR: PYRAMID CONTRACTORS, INC.
 PROJECT DESCRIPTION: S.E.S. WALKER AVE. 647' E. REISTERSTOWN ROAD

A. TYPE OF IMPROVEMENT
☒ NEW BUILDING CONSTRUCTION
☐ ALTERATION
☐ REPAIR
☐ REMOVAL
☐ OTHER

C. TYPE OF USE
☒ RESIDENTIAL
☐ COMMERCIAL
☐ INDUSTRIAL
☐ OTHER

D. TYPE OF CONSTRUCTION
☒ MAJOR
☐ MINOR
☐ OTHER

E. RESIDENTIAL ONLY
☐ SINGLE FAMILY UNIT
☐ MULTIFAMILY UNIT
☐ OTHER

F. DIMENSIONS
 LOT: 104.25 X 204
 BUILDING: 173,360
 TOTAL: 15,084.39

G. NOTES
 CONSTRUCT A TEMPORARY GATE HOUSE ON FRONT OF PROPERTY 41'-0" X 64'-0" PERMIT EXPIRES 1 YEAR FROM DATE OF ISSUANCE. PERMIT CANNOT BE EXTENDED. CORRECTION NOTICE #4030. CONSTRUCTION PLANS WAIVED-C.E.D. PROFESSIONAL SEAL AND DATA SHEET: NATURE OF WORK: OFFICE BUILDING AND WALL FENCE.

OWNER'S NAME: MIKE LASKY
 BUILDING ADDRESS: 25 WALKER AVENUE, PIKESVILLE, MD. 21204
 PERMIT NO.: 8-5-81
 DATE ISSUED: 12/10/83
 EXPIRATION DATE: 12/10/84

CONTRACTOR: PYRAMID CONTRACTORS, INC.
 PROJECT DESCRIPTION: S.E.S. WALKER AVE. 647' E. REISTERSTOWN ROAD

A. TYPE OF IMPROVEMENT
☒ NEW BUILDING CONSTRUCTION
☐ ALTERATION
☐ REPAIR
☐ REMOVAL
☐ OTHER

C. TYPE OF USE
☒ RESIDENTIAL
☐ COMMERCIAL
☐ INDUSTRIAL
☐ OTHER

D. TYPE OF CONSTRUCTION
☒ MAJOR
☐ MINOR
☐ OTHER

E. RESIDENTIAL ONLY
☐ SINGLE FAMILY UNIT
☐ MULTIFAMILY UNIT
☐ OTHER

F. DIMENSIONS
 LOT: 104.25 X 204
 BUILDING: 173,360
 TOTAL: 15,084.39

G. NOTES
 CONSTRUCT A TEMPORARY GATE HOUSE ON FRONT OF PROPERTY 41'-0" X 64'-0" PERMIT EXPIRES 1 YEAR FROM DATE OF ISSUANCE. PERMIT CANNOT BE EXTENDED. CORRECTION NOTICE #4030. CONSTRUCTION PLANS WAIVED-C.E.D. PROFESSIONAL SEAL AND DATA SHEET: NATURE OF WORK: OFFICE BUILDING AND WALL FENCE.

BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

December 12, 1983

Jeffrey P. McEvoy, Esquire
 36 South Charles Street, Sixth Floor
 Baltimore, Maryland 21201-3060

RE: Existing Gatehouse
 23-25 Walker Avenue
 3rd Election District

Dear Mr. McEvoy:

I have reviewed your letter dated December 2, 1983 and must inform you that a variance will be required.

I can appreciate the problem that confronts you and your client, but as advised that the gatehouse is not an accessory structure inasmuch as a right or by special exception. In fact, any building, regardless of the number, is treated as a principal structure in a B.L. Zone and, therefore, must meet all setback requirements. I have discussed the subject matter with James E. Dyer, Zoning Supervisor, and an in agreement with his interpretation and that of Joseph M. Nolan, Department of Permits and Licenses.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,
 ARNOLD JABLON
 Zoning Commissioner

AJ/srl

33-2670

MELNICOFF, KAUFMAN, WEINER & SMOUSE, P.A.

36 SOUTH CHARLES STREET
 TOWSON, MARYLAND 21201-3060
 TELEPHONE: 331-3400
 TELEFAX: 331-3400
 332-8543

December 2, 1983

Commissioner Arnold Jablon
 Baltimore County Office of
 Planning and Zoning
 Towson, Maryland, 21204

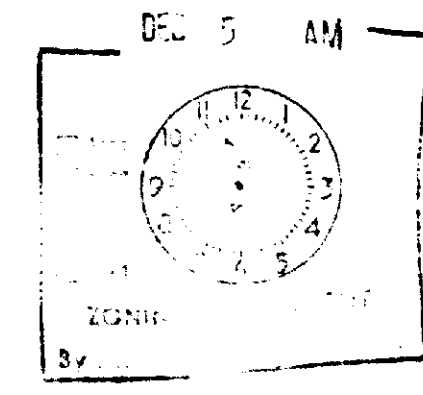
Re: 23 - 25 Walker Avenue

Dear Commissioner Jablon:

This letter is in response to your request in our telephone conversation of Thursday, December 1, 1983.

My client, Michael Lasky, is the owner of a three floor office building at 23 - 25 Walker Avenue. The building sits on a half acre of land which is paved with a 55 space parking lot. There is a small gatehouse at the entrance of the parking lot on Walker Avenue.

Zoning regulations currently require 39 parking spaces to be provided on the property. The property site currently has 55 spaces, 12 of which are "overflow spaces" which require vehicles to be parked two deep at the sides of the building. The tenants of the building, tenant employees, customers and visitors to the building use the lot in lieu of local street parking and regularly fill the 55 spaces to capacity. Consequently, the owner found it necessary to employ an attendant to move vehicles in and out of the overflow spaces. In some cases, the off street parking was offered as an inducement to tenants to lease space in the building. As I am sure you understand, this was a significant inducement because parking is at a premium in central Pikesville.



MELNICOFF, KAUFMAN, WEINER & SMOUSE, P.A.

Commissioner Arnold Jablon
 December 2, 1983
 Page Two

The gatehouse situated at the parking lot entrance is used by the parking attendant to monitor traffic in and out of the lot and as shelter from the elements during bad weather. The central location of the attendant in the gatehouse also enhances security of the lot.

The gatehouse was built under a temporary permit which is now expired. Joe Nolan, one of the County Building Inspectors, has threatened to issue a violation notice on the building because of the expired temporary permit. Although we have not attempted to file for a new permit, we have had discussions with one of your zoning technicians who indicated that he thought that it was in violation of the setback regulations and would require a variance in order to be in compliance. As you can see from the drawing which I have attached to this letter, the gatehouse would have to be moved nine feet to the rear of the property to meet the street center line setback requirement. Making such a move would not only entail considerable expense for demolition and rebuilding of the gatehouse and relocation of utility lines, with all the attendant architectural permit and administrative expenses, but would also obstruct the use of at least four of the conventional parking spaces and six overflow parking spaces.

It seems to me that the gatehouse is not an accessory structure which should be subjected to the setback rules. By its very definition, it needs to be on the perimeter of the property. Except for the fact that it provides temporary shelter for the parking attendant, it is no different than a gate or some other entrance control device which would not be construed as an accessory structure. It does not house any of the property tenants nor is it used to store equipment or for any other purpose relating to the main office building on the property. Accessory structures, as defined in Section 101, traditionally have within their scope such buildings as storage sheds, garages, outbuilding and other functional structures. This gatehouse, on the other hand, is merely an extension of the brick wall which surrounds the entire parking lot, except that portion of the lot which is bounded by the building.

MELNICOFF, KAUFMAN, WEINER & SMOUSE, P.A.

Commissioner Arnold Jablon
 December 2, 1983
 Page Three

For these reasons, I believe that the gatehouse is not within the scope of the setback requirements and the owner of the building should not be required to obtain a variance for its continued existence. I would welcome the opportunity to sit down with you and discuss this matter and my clients and I will be available to you at your convenience.

Sincerely yours,
 JEFFREY P. MCEVOY

JPM/lh
 Enclosure

BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

30 December 1983

Jeffrey P. McEvoy, Esq.
 36 S. Charles St.
 Sixth Floor
 Baltimore, Maryland 21201-3060

Re: 23-2672
 Existing Gatehouse
 23-25 Walker Ave. - 3rd Election District
 (Item No. 143)

Dear Mr. McEvoy:

I am in receipt of your letter dated 21 December 1983. I must first admit that the initial tone of my letter to you dated 12 December is indeed in error. Of course, you are correct that an accessory building is permitted in a B.L. zone. Section 230.11, HZB. However, my interpretation of the Zoning Regulations as they relate to the requirements for setbacks of accessory buildings in a B.L. zone has been entirely consistent with long-standing policy of this office, policy which Mr. Dyer has enforced pursuant to interpretations of the Zoning Ordinance.

There is nowhere to be found in the Regulations requirements for setbacks of accessory buildings in a B.L. zone. Section 230.1 allows as a matter of right uses in a B.L. zone that are permitted in a residential zone adjoining that a residential building certainly can be constructed on a lot zoned residential use in a residential zone, and that accessory buildings to that Section 100. If a lot zoned B.L. is used for commercial purposes, as described in Section 230, even though adjoining a residential zone, the application of Section 100 would be moot. It is patently clear that Section 100 deals with accessory buildings in residential zones, and it is equally clear that the intent of the Regulations, those which tie the prohibition of a residential use and which require setbacks, would be the prohibition of the requirement to have setbacks for principal buildings in a B.L. zone by permitting accessory buildings to be constructed anywhere on the property. See Section 230.1. Inasmuch as the Regulations do not specifically denote setbacks for accessory buildings in a B.L. zone, I have consistently demanded that such a building meet the same setback requirements that are demanded of principal buildings.

If your argument is carried to its logical conclusion, an accessory building would be permitted only as a residential use, and permitted only in the rear yard and would not be allowed to occupy more than 40% thereof. Accessory buildings in a B.L. zone are allowed in the front but are treated as principal buildings for setback purposes. Of course, accessory buildings in a B.L. zone would be permitted anywhere on the property, provided that the setbacks as described for principal buildings are met.

MELNICOFF, KAUFMAN, WEINER & SMOUSE, P.A.

Commissioner Arnold Jablon
 December 21, 1983
 Page Two

Third, it would be helpful if Supervisor Dyer and Inspector Nolan could state their positions on this case. To the best of my knowledge, the only Zoning Department input thus far has been informal at the zoning desk. Inspector Nolan's sole complaint has been that the structure was built without a permit. He has not taken a position as to zoning.

Fourth, I would like to know what regulations you are relying upon to treat any building as a principal structure in a B.L. zone.

I raise these matters because they may be contradictory to positions which you took in your letter of December 12, 1983. To the extent we can agree upon certain issues or narrow and clarify those issues, I believe the hearing will be a more simple process. If you would like to discuss any of these matters, please call me at my office.

Sincerely yours,
 JEFFREY P. MCEVOY

JPM/lh
 Enclosure

cc: Mr. David Thaler - w/e
 David L. Snyder, Esquire - w/e

CASE NO 84-221-A
M. LASKY - PETITIONER



PETITIONER'S
EXHIBIT 4

Michael Lasky, Petitioner
Case No. 84-221-A
Exhibit No. 4



PETITIONER'S
EXHIBIT 3

Michael Lasky, Petitioner
Case No. 84-221-A
Exhibit No. 3



Michael Lasky, Petitioner
Case No. 84-221-A
Exhibit No. 1

PETITIONER'S
EXHIBIT 1

PARKING DATA

FLOOR USE	SQ FT	RATIO	SPACES REQ'D
EX. OFFICES 1ST FLOOR	5291	1PS/300 S.F.	17.6
EX. OFFICES 2ND FLOOR	5291	1PS/500 S.F.	10.6
EX. OFFICES 3RD FLOOR	5291	1PS/500 S.F.	10.6
TOTAL PARKING SPACES REQUIRED			39
TOTAL PARKING SPACES PROVIDED			43
TOTAL OVERFLOW SPACES PROVIDED			12
GRAND TOTAL PARKING SPACES PROVIDED			55

EX. ZONING BL-CCC
EX. USE: 3 STORY MARYLAND
STATE POLICE BUILDING

BASEMENT
RADIO SHOP
GARAGE

EX. PARKING LOT

EX. ZONING BL-CCC
EX. USE: "WALKER CENTER"
PROFESSIONAL BLDG - OFFICES

OWNER
MICHAEL LASKY
EPK JR. 5175/422
EX. ZONING BL-CCC

EX. 3" HIGH BRICK WALLS

EXISTING 4'-3" x 6'-3"
PARKING BOOTH, WOOD
FRAME CONSTRUCTION
ON CONC SLAB

EX. CIRCULAR BRICK
PLANTER W/
ORNAMENTAL TREE
TYPICAL 4 PLCS

LOCATION MAP
SCALE: 1" = 1000'

EX. ZONING - BL-CCC
USE - RESIDENTIAL

EX. ZONING - BL-CCC
USE - RESIDENTIAL

PETITIONER'S
EXHIBIT 6

NOTES

- BOUNDARY TAKEN FROM "SITE PLAN FOR N.S. 25 & 25 WALKER AVE" PREPARED BY PURDUM & JESCHKE, DATED AUGUST 7, 1970, AND HAS BEEN ADJUSTED TO REFLECT WIDENING OF WALKER AVE. R/W IN DEED O.T.G. 5144/694.
- SITE ACREAGE = 0.49 AC ±.
- ENTIRE SITE ZONED BL-CCC.
- PARKING SPACES SHOWN ARE EXISTING.
- SITE CONNECTED TO PUBLIC WATER & PUBLIC SEWER.
- LIGHTING ON BUILDING IS DIRECTED AT AND LIMITED TO PARKING AREAS.

CIVIL ENGINEERS - SITE PLANNERS
SURVEYORS
DST & A Inc.
11 WARREN ROAD • BALTIMORE, MARYLAND 21206 • (301) 461-4100

OWNER

MICHAEL LASKY
96 JEFFREY MCEVOY
MELNICOVE, KAUFMAN, WEINER
& SMOUSE
36 S. CHARLES ST. SUITE 600
BALTIMORE, MD. 21201
301-392-8500

EX. ZONING BL-CCC
USE: OFFICES
"MARYLAND TRADE EXCHANGE"
AND
"JOHN W. WOLFF & SON
PLUMBING COMPANY"

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
23-25 WALKER AVENUE
WARREN PROFESSIONAL BUILDING

3 RD ELECTION DISTRICT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
DATE: FEBRUARY 3, 1984

PARKING DATA

FLOOR USE	SQ FT	RATIO	SPACES REQ'D
EX. OFFICES 1ST FLOOR	5291	1PS/300 S.F.	17.6
EX. OFFICES 2ND FLOOR	5291	1PS/500 S.F.	10.6
EX. OFFICES 3RD FLOOR	5291	1PS/500 S.F.	10.6
TOTAL PARKING SPACES REQUIRED			39
TOTAL PARKING SPACES PROVIDED			43
TOTAL OVERFLOW SPACES PROVIDED			12
GRAND TOTAL PARKING SPACES PROVIDED			55

EX. ZONING BL-CCC
EX. USE: 3 STORY MARYLAND
STATE POLICE BUILDING

BASEMENT
RADIO SHOP
GARAGE

EX. PARKING LOT

EX. ZONING BL-CCC
EX. USE: "WALKER CENTER"
PROFESSIONAL BLDG - OFFICES

OWNER
MICHAEL LASKY
EPK JR. 5175/422
EX. ZONING BL-CCC

EX. 3" HIGH BRICK WALLS

EXISTING 4'-3" x 6'-3"
PARKING BOOTH, WOOD
FRAME CONSTRUCTION
ON CONC SLAB

EX. CIRCULAR BRICK
PLANTER W/
ORNAMENTAL TREE
TYPICAL 4 PLCS

LOCATION MAP
SCALE: 1" = 1000'

EX. ZONING - BL-CCC
USE - RESIDENTIAL

EX. ZONING - BL-CCC
USE - RESIDENTIAL

NOTES

- BOUNDARY TAKEN FROM "SITE PLAN FOR N.S. 25 & 25 WALKER AVE" PREPARED BY PURDUM & JESCHKE, DATED AUGUST 7, 1970, AND HAS BEEN ADJUSTED TO REFLECT WIDENING OF WALKER AVE. R/W IN DEED O.T.G. 5144/694.
- SITE ACREAGE = 0.49 AC ±.
- ENTIRE SITE ZONED BL-CCC.
- PARKING SPACES SHOWN ARE EXISTING.
- SITE CONNECTED TO PUBLIC WATER & PUBLIC SEWER.
- LIGHTING ON BUILDING IS DIRECTED AT AND LIMITED TO PARKING AREAS.

CIVIL ENGINEERS - SITE PLANNERS
SURVEYORS
DST & A Inc.
11 WARREN ROAD • BALTIMORE, MARYLAND 21206 • (301) 461-4100

OWNER

MICHAEL LASKY
96 JEFFREY MCEVOY
MELNICOVE, KAUFMAN, WEINER
& SMOUSE
36 S. CHARLES ST. SUITE 600
BALTIMORE, MD. 21201
301-392-8500

EX. ZONING BL-CCC
USE: OFFICES
"MARYLAND TRADE EXCHANGE"
AND
"JOHN W. WOLFF & SON
PLUMBING COMPANY"

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
23-25 WALKER AVENUE
WARREN PROFESSIONAL BUILDING

3 RD ELECTION DISTRICT
SCALE: 1" = 20'

BALTIMORE COUNTY, MD.
DATE: NOV. 25, 1983

Calvin Henniger
Deputy Clerk

IN THE MATTER
OF THE APPLICATION OF
ROLAND R. MacKENZIE
FOR SPECIAL EXCEPTION
FOR CAR WASH IN
COMBINATION WITH SERVICE
STATION; SPECIAL HEARING
FOR CONVERSION TO GAS &
GO and VARIANCE FROM
Sec. 419.2 OF THE BALTIMORE
COUNTY ZONING REGULATIONS
NE CORNER YORK and
SCOTT ADAM ROADS
8th DISTRICT

: BEFORE
:
: COUNTY BOARD OF APPEALS
:
: OF
:
: BALTIMORE COUNTY
:
: No. 84-222-XSPHA

: : : : : : : : : : : : : : :

AMENDED ORDER

The Order of the County Board of Appeals of Baltimore County,
dated September 6, 1984, in the above captioned matter, shall be and is hereby
amended as follows:

1. The request of the Petitioners to erect a 9 ft. by 12 ft.
storage office in the rear portion of the property as more
fully described in site plan drawing #7363-52-001 by Lyon
Associates, Inc., is hereby granted.

All conclusions and determinations as set forth in the Board's
original Order except for the above are applicable in their entirety and continue to
be controlling.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Leroy B. Spurrer
Leroy B. Spurrer

Date: January 18, 1985